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QUALCOMM
 INCORPORATED

5775 Morehouse Drive
 San Diego, CA 92121
 Fax: (858) 658-2502

OFFICIAL COMMUNICATION

Facsimile Transmittal

DATE: August 7, 2006

TO: Commissioner for Patents

ATTN: Examiner: Nguyen Thanh Vo
 Art Unit: 2635

FAX NUMBER: (871) 273-8360

FROM: Larry J. Moskowitz, Attorney for Applicant
 Registration No. 42,911

Total Number of Pages Sent: 15 (including this transmittal cover sheet)

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ATTORNEY DOCKET NO.: 010248C1

ENCLOSED ARE:

- Amendment Transmittal (1 page, in duplicate)
- Amendment (2 pages)
- Three (3) To whom Disclaimers (3 pages)

APPLICANT: Waton et al.
 ASSIGNEE: QUALCOMM Incorporated
 SERIAL NO.: 10/496,630
 FILED: October 25, 2003
 FOR: METHOD AND APPARATUS FOR ALLOCATING DOWNLINK RESOURCES IN A MULTIPLE-INPUT MULTIPLE-OUTPUT (MIMO) COMMUNICATION SYSTEM

Please contact Kate Lane at (858) 658-2047 if all pages do not transmit.

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Facsimile Transmittal

DATE: August 7, 2006
TO: Commissioner for Patents
ATTN: Examiner: Nguyen Thanh Vo
Art Unit: 2685
FAX NUMBER: (571) 273-8300
FROM: Larry J. Moskowitz, Attorney for Applicant
Registration No. 42,911
Total Number of Pages Sent: 15 (including this transmittal cover sheet)

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ATTORNEY DOCKET NO.: 610248C1

ENCLOSED ARE:

- * Amendment Transmittal (1 page, in duplicate)
- * Amendment (9 pages)
- * Three (3) Terminal Disclaimers (3 pages)

APPLICANT: Walton et al.
ASSIGNER: QUALCOMM Incorporated
SERIAL NO.: 10/696,038
FILED: October 29, 2003
FOR: METHOD AND APPARATUS FOR ALLOCATING DOWNLINK RESOURCES IN A MULTIPLE-
INPUT MULTIPLE-OUTPUT (MIMO) COMMUNICATION SYSTEM

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San Diego, CA 92121
Fax: (858) 658-2502

Facsimile Transmittal

DATE: August 7, 2006

TO: Commissioner for Patents



ATTN: Examiner: Nguyen Thanh Vo
Art Unit: 2685

FAX NUMBER: (571) 273-8300

FROM: Larry J. Moskowitz, Attorney for Applicant
Registration No. 42,911

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ATTORNEY DOCKET NO.: 010248C1

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APPLICANT: Walton et al.

ASSIGNEE: QUALCOMM Incorporated

SERIAL NO.: 10/696,630

FILED: October 29, 2003

FOR: METHOD AND APPARATUS FOR ALLOCATING DOWNLINK RESOURCES IN A MULTIPL-
INPUT MULTIPLE-OUTPUT (MIMO) COMMUNICATION SYSTEM

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
010248C1

In re Application of: Walton et al.

Application No.: 10/696,630

A rectangular stamp with the word "COPY" in large, bold, sans-serif capital letters. To the left of the word is a small square icon containing a stylized 'C'.

Filed: October 29, 2003

For: METHOD AND APPARATUS FOR ALLOCATING DOWNLINK RESOURCES IN A MULTIPLE-INPUT MULTIPLE-OUTPUT (MIMO)
COMMUNICATION SYSTEM

The owner, QUALCOMM, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 7,020,110 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

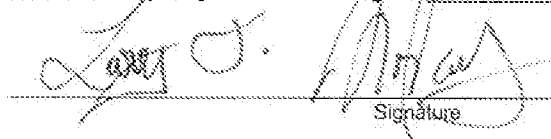
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 42,911

A handwritten signature in dark ink, appearing to read "Larry J. Moskowitz".

Signature

August 7, 2006

Date

Larry Jan Moskowitz

Typed or printed name

(855) 651-4556

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

010248C1

In re Application of: Walton et al.

Application No.: 10/696,630

Filed: October 29, 2003

For: METHOD AND APPARATUS FOR ALLOCATING DOWNLINK RESOURCES IN A MULTIPLE-INPUT MULTIPLE-OUTPUT (MIMO)
COMMUNICATION SYSTEM

The owner, QUALCOMM, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent No. 7,047,016** as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

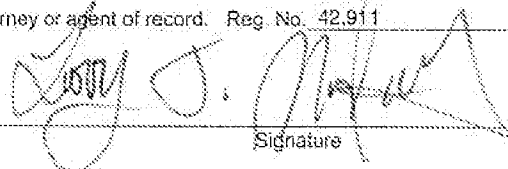
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 42,911



Signature

August 7, 2006

Date

Larry Jan Moskowitz

Typed or printed name

(858) 651-4556

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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010248C1

In re Application of: Watton et al.

Application No.: 10/696,630

Filed: October 29, 2003

For: METHOD AND APPARATUS FOR ALLOCATING DOWNLINK RESOURCES IN A MULTIPLE-INPUT MULTIPLE-OUTPUT (MIMO)
COMMUNICATION SYSTEM

The owner*, QUALCOMM, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,662,024 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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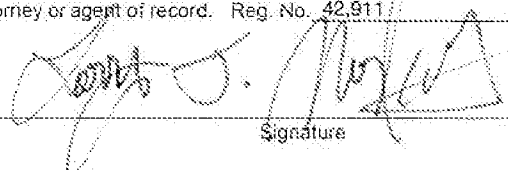
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Larry Jan Moskowitz

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